

UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of Hood, et al. |) | Date: 7 October 2008 |
| Application No.: 09/930,788 |) | Group Art Unit: 3627 |
| Filed: August 15, 2001 |) | Examiner: Frenel, Vanel |
| For: Customizable Handheld Computer Data Collection and Report Generation Software |) | Attorney Ref. No.: 121.02 |
| |) | |

Declaration of Dan Davis

I, Dan Davis, declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true.

Background

1. Attached as Exhibit A to this declaration is a current copy of my resume. As a result of the education and experience described in my resume, I believe that I am qualified to offer this declaration.
2. As indicated in my attached resume, I have extensive experience with [waiting for Dan's qualifications]

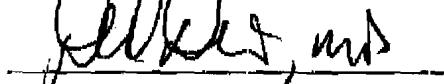
The Current Patent Application

3. I have reviewed the above-referenced patent application (the "instant application"), as well as the most recent issued office action. Based on my review, I understand that the claims of the present invention based on the conclusion that they would have been obvious.
4. Since at least the time of filing the instant application (August 15, 2001), there has been a trend in the EMS industry toward the electronic collection of data while the EMS technician is still in the field. In many departments, such practices are recommended while in many others they are in fact required.
5. Before electronic data collection, there was a great deal of paper and physical files associated with medical data collection. For billing purposes, storage purposes and record keeping purposes, these documents are often moved, copied and mailed at great expense. In addition, for quality assurance purposes statistics and checks on the number of procedures performed by each technician are recorded, and such data is more easily tracked electronically. Moving to electronic record keeping is known to reduce these downsides as well as allow for better and often complete documentation and fewer lost calls due to oversight and physical papers being misplaced. Finally, electronic data collection vastly improves the ability to track the effectiveness of current paramedicine in general. This movement has been ongoing since at least the time of filing the instant application.

6. The need to move to electronic data collection prompted many companies to attempt to provide suitable products.
7. From department to department and region to region, there are large differences in data collection requirements and requirements for interfacing with and documenting medical data.
8. Until the system claimed in the present application, solutions from competitors were rigid designs with minimal ability to adapt to the various demands of different departments and different tasks. For instance, many competitors created systems for large governmental departments due to their use of the common Advanced Life Support (ALS) transporting standard and because customization costs for these larger systems were more easily recuperated.
9. The present application's disclosure and claims covering an approach of using customizable templates has made the Applicants' system vastly superior to systems implemented before it.

Executed this 7th day of October, 2008 at San Diego, California

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I understand that willful false statements and the like are punishable by fine or imprisonment or both, and may jeopardize the validity of the application or any patent issuing thereon.



Dan Davis, M.D.

Board Certified ACEP (American College of Emergency Physicians)

Professor UCSD Emergency Medicine

Regional Medical Director, Mercy Air Medical Services

UCSD Base Hospital Medical Director

Principal Investigator, San Diego Resuscitation Outcome Consortium

Director, UCSD Center for Resuscitation Science

Resuscitation Director, UCSD Medical Center